

August 10, 2010

Troy Brady
Surface Transportation Board
395 E. Street, SW
Washington, DC 20423
Attn: Docket No FD 35141

PARTICIPATING ORGANIZATIONS

Citizens For A
Better Ridgewood

COMET

Farmers Oval Civic Assoc.

Forest Hills Cooperatives

Glendale Civic Association

Glendale Clean & Green

Glendale Property
Owners Association

Juniper Park Civic Association

Liberty Park Home Owners

Maspeth/Middle Village
Task Force

Maspeth West End
Civic Association

Middle Village Property Owners
& Residents Association

New Ivanhoe Civic Association

Ridgewood Property Owners
& Civic Association

Dear Mr. Brady:

We appreciate this opportunity to comment. We are submitting comments on behalf of CURES, a coalition of 14 civic associations in Queens, NYC, New York. CURES believes that increased railroad traffic is coming as both a cost-saving and environmentally sound measure. However, our organization is dedicated to ensuring that this increase in railroad traffic does not come at a cost of increased environmental burdens for our communities. Our communities already are suffering from noise, the stench of waste, health-threatening diesel emissions from outdated locomotives, air and water-borne pollution from uncontained rail cargo, and other impacts of current freight rail operations in NYC and L.I.

We have been working with federal, state, and local agencies, our elected officials, and the railroads themselves to lobby for funding to retrofit old diesel locomotives to reduce their polluting emissions and cut back on idling; to ensure that the rail yards are free of hazards and threats to neighborhood health and security; and that the railroads and their customers are proactively utilizing new, cleaner technologies, equipment, and controls in an efficient and responsible manner for the good of their own businesses as well as the health and welfare of our neighborhoods and NYC.

We respectfully submit that the E.A. is deficient for the following reasons:

1. The shortened 15-day comment period did not give the public sufficient notice to obtain and consider the E.A., and to prepare and submit comments by August 10.
2. The proposed facility cannot be approved because the E.A. fails to define what type of freight the proposed facility may put on the rails and send into our communities via NY & Atlantic Railway, and fails to specifically prohibit a change of use involving solid waste. The E.A.'s stated assumptions are that change of use is speculative and even if it does change the impacts will be similar. Although this might be the case for some new uses, it certainly is not the case if the new use involves solid waste. Any expansion involving solid waste must have an E.I.S. As you may know, a large percentage of the freight NY & A hauls from L.I. is solid waste. This summer stinking garbage trains with open gondolas and vented containers of waste have sat overnight and longer in residential areas of Queens on railroad tracks. Residents near the rail corridor have had to deal with the stench of garbage and vermin, in addition to 95+ degree heat and Air Quality Health Advisories. Experience has shown that the time for government to deal with these issues is before facilities are permitted and contracts are signed. As you may know, Railroads of New York lobbied against modest, palliative mitigation that mandated tarping open gondolas and sealing putrescibles under hard lids. *See attached RONY memo.* In effect, the

railroads and their customers are profiting from state environmental laws that have yet to catch up with the development of solid-waste-by-rail, and costs have been shifted to communities. (New standards for equipment that containerizes loads with the potential to emit air and water-borne pollution and odors would go a long way toward mitigating the impacts of expanded rail operations on communities, bring the freight rail industry more in line with contemporary environmental standards, eliminate the railroad industry's safety and liability concerns in this area, and help create a 21st C. rail industry. Has DOT considered this?)

3. The E.A. does not acknowledge, and has not studied or proposed mitigation for this expansion of rail operations within the context of other expansions planned or proposed to utilize NY & A's equipment and operations and the Fresh Pond Terminal. The plan in the E.A. is for an expansion of NY& A's business from L.I. See the attached article regarding NYC Sanitation's plans for NY & A. The infrastructure in the LIRR/MTA's Fresh Pond Depot in Glendale, NY (recently expanded using CSX tracks into a residential area of Middle Village, Queens) is very tightly constrained. With its jurisdiction over expansion of rail facilities and operations, STB has a duty to ensure that environmental impacts and mitigation are comprehensively addressed in the context of the overall rail system. Instead the E.A. typifies piecemeal planning for new freight portals that pile new freight and environmental burdens on top of existing ones. *See the attached letter from Queens Community Board 5.*

4. The E.A. does not acknowledge, and has not studied or proposed mitigation for environmental impacts on communities that will be impacted. The New York and Atlantic Railway as a franchisee of LIRR/MTA is utilizing 1978 vintage locomotives. The oldest, most polluting locomotives are being used in the most densely populated area of NYS where they are doing the most harm. The proposed expansion relies on these locomotives and will increase rail traffic in our communities. *See the attached letter from US EPA Region 2 that discusses the need for repowering the NY&A/LIRR/MTA fleet. See the attached NRDC report, which discusses the effects of such rail systems on human populations.*

5. In the E.A., mitigations are proposed for impacts in and around the new freight portal – for stone dust, noise, etc. However, when rail gondolas get to Fresh Pond Terminal they crash against one another as trains are assembled, clouds of particulates rise in the air, and there is noise, diesel exhaust, and other impacts. The way freight rail and their customers are allowed to operate today rolls environmental impacts of portal facilities – like the one proposed in the E.A. – into the heart of neighborhoods on railroad tracks. Once again, where is the environmental and public health protection, the mitigation for our communities in this E.A.?

It is no longer enough to say that rail is better than trucks, that rail is green at the macro level. The technology exists to mitigate and avert the environmental burdens and injustices that are draining environmental and public health, quality of life, and use and value of property from our communities. The private sector is making money and is seeking expansion. There can be no more expansion of the rail system that utilizes Fresh Pond Terminal unaccompanied by mitigation.

Sincerely Yours,


Mary Parison, Co-Chair


Laura Zimmer, Co-Chair